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Filed

MAY 22 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HIEU KHAC NGUYEN,

Defendant.

CR 10-00731 LHK

AMENDED
STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING STATUS
CONFERENCE AND DOCUMENTING
EXCLUSION OF TIME.

The defendant, Hieu Khac Nguyen, and the government together respectfully stipulate as follows:

1. A change of plea or trial setting conference is currently scheduled in this matter on May 23, 2012, at 9:00 a.m.;
2. The parties hereby advise the Court that the parties are continuing to confer over the disposition of the matter. Additional facts have come to light during that discussion that required additional investigation by both sides and resulted in additional discovery produced by the government;
3. Counsel for the government will be unavailable May 30, or June 6, 2012.

Accordingly, the parties request that the Court set the matter for change of plea June 13,

STIPULATION AND [PROPOSED] ORDER

2012, to allow defense counsel to finish the necessary investigation. The parties jointly request that the Court exclude the period of time between May 23, 2012, and June 13, 2012, under the Speedy Trial Act calculation for continuity of counsel and effective preparation of counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO STIPULATED.

Dated: May 22, 2012

/s/
WENDY KIM
Counsel for Defendant

Dated: May 22, 2012

MELINDA HAAG
United States Attorney

/s/
MICHELLE J. KANE
Assistant United States Attorney

AMENDED ORDER

Based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between May 23, 2012, and June 13, 2012, would unreasonably deny the ~~defendant~~ ^{government} continuity of counsel and would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between May 23, 2012, and June 13, 2012, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between May 23, 2012, and June 13, 2012, shall be excluded

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AMENDED

STIPULATION AND ~~PROPOSED~~ ORDER

1 from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and the
2 matter is set for change of plea June 13, 2012, at 9:00 a.m.

3 IT IS SO ORDERED.

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5 Dated: 5/22, 2012

Lucy H. Koh
LUCY H. KOH
United States District Judge

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AMENDED

STIPULATION AND ~~PROPOSED~~ ORDER